

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA, )**

                        )  
**Plaintiff,              )**  
                        )  
**vs.                     )**                   **Case No. 04-00412-01-CR-W-GAF**  
                        )  
**MICHAEL SHAWN McCOURT,      )**  
                        )  
**Defendant.              )**

**ORDER**

Now pending before the Court is defendant's Motion to Suppress Statements. Defendant argues that his statements should be suppressed because they were obtained in violation of his *Miranda* rights and in violation of his Fifth Amendment privilege against self-incrimination. On April 6, 2005, United States Magistrate Judge Sarah W. Hays conducted an evidentiary hearing on defendant's Motion to Suppress.

On June 10, 2005, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation. Objections to the Report and Recommendation were due on or before June 20, 2005. No objections to the Report and Recommendation were filed.

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Statements is OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: June 21, 2005